

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

v.

21-CR-00059

WAYNE ROBBINS

Defendant.

SENTENCING MEMORANDUM

25 year old Wayne Robbins is scheduled to be sentenced on June 10, 2022, pursuant to his guilty plea to Felon in Possession of a Firearm..

Mr. Robbins took full responsibility for his criminal conduct resulting in this conviction when interviewed for the pre-sentence report (“PSR”). It appears that his involvement in the criminal justice systems largely stems from his upbringing and his substance abuse. As detailed in the PSR, his father was sentenced to prison for a federal drug trafficking case when Mr. Robbins was approximately 14 years old, and his older brother is serving time at Attica for murder. When Mr. Robbins was discussing his employment history during the PSR interview, he noted that he had been back and forth to jail since he was 14 or 15 years old (paragraph 96 of PSR). He also acknowledged that, generally, his substance abuse has led to personal conflict with the judicial system (paragraph 90 of PSR). He goes on to say that this current period of incarceration (since November, 2020), constitutes his longest period of time abstaining from drugs and alcohol (also paragraph 90 of PSR).

Mr. Robbins' lifestyle has caught up to him. As detailed in the PSR, he was shot on 2 occasions in 2020, and continues to suffer from medical complications. Moreover, he faces 3 pending indictments in State Court. The second shooting wherein he was the victim led to a search of his bedroom - resulting in this conviction for constructively possessing a handgun found during that search (paragraphs 14 & 15 of PSR).

The Defense submits that, in addition to this Court's sentence, Mr. Robbins has already suffered greatly for his conduct from the medical complications of being shot. And he potentially faces significantly more severe consequences if convicted in State Court.

Because the State charges are pending, Mr. Robbins is reluctant to discuss his criminal conduct and criminal history, except to take responsibility for the factual basis of the guilty plea contained in the plea agreement. He does acknowledge that being remanded to jail in 2020 saved his life - both in the literally sense and by giving him time to reflect.

Mr. Robbins intends to take advantage of any programs offered to him by the Bureau of Prisons, and looks forward to a fresh start upon his eventually release.

The Defense asks the Court to bear in mind that Mr. Robbins served a year and half in jail while this case was pending in primary State custody. It is unlikely that the Bureau of Prisons will credit him for that time. The Defense further asks the Court to take into account the significant time that Mr. Robbins faces on the 3 State indictments. The Defense submits that such considerations counter-balance the possibly aggravating factors described in paragraph 100 of the PSR.

Mr. Robbins apologizes to the Court, to his family, and to the community for his conduct. The Defense notes that Sharee Bailey, whose case is considered to be related in the PSR, was sentenced to a guideline sentence of 21 months. She is similarly situated with regard to criminal

history, was sentenced for the same offense, and also faces State charges as a co-defendant of Mr. Robbins.

For all of these reasons, the Defense submits that a guideline sentence would serve as significant and sufficient punishment for this case.

Thank you.

Respectfully submitted,

s/Paul G. Dell

PAUL G. DELL, ESQ.

June 4, 2022

Attorney for Defendant

WAYNE ROBBINS

70 Niagara Street

Buffalo, NY 14202

(716) 362-1156

pgdell@aol.com

CERTIFICATE OF SERVICE

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff,

vs.

21-CR-00059

WAYNE ROBBINS,

Defendant.

I hereby certify that on June 4, 2022, I electronically filed the foregoing with the Clerk of the District Court using its CM/ECF system, which would then electronically notify the appropriate CM/CMF participants on this case.

s / Paul G. Dell, Esq.
PAUL G. DELL
Attorney for Defendant
Wayne Robbins
70 Niagara Street
Buffalo, New York 14202
(716) 362-1156
pgdell@aol.com